

The information to be provided on this work sheet is intended to guide discussions in the pre-application meeting and assist in preparing a complete Brownfield Cleanup Program (BCP) application form. This information will also be useful in identifying potential eligibility issues and in defining which portions of the property may be eligible for acceptance in the BCP. Use of this work sheet is not mandatory, but is recommended to help ensure submittal of a complete application, and that potential eligibility issues are brought to light early in the application review process.

Applicant Name(s) (to appear on page 1 of BCP application):
Site Name (to appear on page 2 of BCP application):

Provide the following information for each parcel which is proposed to be included in the BCP. Use one copy of this form for each separate parcel. Attach additional sheets if needed:

<p>1. Tax ID(s) (Section/Block/Lot): _____</p> <p>Is the site a full tax parcel? (Y/N) _____</p>	
<p>2. What is the size of the parcel ? (indicate whether in acres or square feet) _____</p> <p>If applicable, what is the linear distance of water frontage? _____ feet</p> <p>Is any portion of the property considered lands under water? _____</p>	
<p>3. What portion of the parcel is known or suspected to have been impacted by contamination ? (indicate whether in acres or square feet) _____</p> <p>Phase 1 complete (Y/N)_____ Phase II complete (Y/N)_____</p>	
<p>4. Describe the current use of the parcel (e.g., open space, vacant lot, buildings abandoned or in-use, industrial, commercial, residential):</p> 	
<p>5. Do you currently own the property? _____</p> <p>How long have you owned the property?_____</p> <p><u>If not:</u></p>	<div style="border: 2px solid red; padding: 10px; color: red;"> <p>The Applicant has approval from the owner, 204 West Utica Street, LLC, to complete the all work under the NYS BCP. Site Access Agreement will be provided with BCP Application</p> </div>
<p>Will you have the ability to place an environmental easement, if necessary?</p>	

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

You will need to submit proof of access during the BCP project with the application

6. Describe past uses (e.g., undeveloped, residential, dry cleaner, auto repair):

7. List known or suspected source(s) of contamination (e.g. leaking underground storage tank, spill of industrial waste, floor drain, septic system, landfill, storage of pesticides or hazardous substances, former manufactured gas plant, buried incinerator ash):

8. Type of contamination (check all which apply):

- ☐ volatile organic compounds related to petroleum (BTEX);
☐ volatile organic contaminants/chlorinated solvents;
☐ polycyclic aromatic hydrocarbons;
☐ PCBs;
☐ pesticides;
☐ toxic metals - specify: _____;
☐ other - specify: _____

9. Impacted or potentially impacted media (check all that apply): ☐ soil; ☐ sediment;
☐ surface water; ☐ groundwater; ☐ private water supply; ☐ public water supply;
☐ soil gas; ☐ indoor air; ☐
other - specify: _____

10. Provide DEC Spill Number(s), if applicable:

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

11. Has the site ever been subject to a Consent Order or other enforcement action (Y/N)____
If yes, provide details:

12. Have environmental quality standards/guidance values been exceeded ? ____ Yes ____ No
____ Unknown. If yes, provide the following information (add additional lines/sheets, if needed):

Sample Matrix	Sample Date	Parameter Concentration	Standard or Guidance Value ¹	Data Sources (e.g. Phase II report, sampling by applicant, other)

¹Soil data should be compared to the Soil Cleanup Objective (SCO) for the reasonably anticipated land use of the site

13. Is the project entering the BCP at the Investigation _____ or Remediation _____ phase?

Is an Interim Remedial Measure (IRM) planned? _____

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

14. Can the proposed environmental consultant or consultant team provide professional engineering services in compliance with Article 145 of New York State Education Law? Both an individual and the firm must be authorized to provide engineering services in New York State, and may only certify work that was done by them or by those under their direct supervision.

15. Describe the nature and scope of the proposed re-development project or anticipated future use of the site after remediation. Include the types of uses (e.g., residential, office, retail, industrial, parking, open space, etc.).

16. Is the anticipated future use consistent with current zoning, or is a zoning change anticipated?

17. Are there any other facts or circumstances that may affect: 1) the applicant's status as a volunteer or participant; or 2) the site's eligibility?

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

18. What appropriate care have you exercised with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste?

19. For Projects Located in New York City:

Will you be seeking a determination of the eligibility of tangible property tax credits (Y/N)

If Yes, by which gateway?

Affordable Housing _____
At least 50% of the area in an En-Zone _____
Underutilized* _____
Upside down _____

* Sites seeking eligibility under the underutilized category must contain appropriate documentation at application. All other gateways may be sought at any time prior to issuance of the CoC.

Please note the most common BCP application deficiencies:

- NYS Dept of State print out of entity information not included or does not match Requestor's name
- Requestor's relationship to property not indicated and/or proof of site access not provided
- Tax Map is not included and/or section, block and lot numbers are not provided or are illegible
- Site Map indicating proposed BCP boundaries is not clear or is not included
- Purpose and Scope of Project narrative is vague or reference is made to a voluminous report
- Estimated Project Schedule does not state what tasks will be done and when
- Environmental reports provided but preparation standard is missing
- Land Use Factor questions blank and/or no attachment provided for required written responses
- Signature page 6 is signed and dated incorrectly or not at all, or is a copy instead of original

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

- Contact List information is incomplete and/or no acknowledgment letter from document repository
- Previous owner and previous operator are not separately identified or relationship to requestor is not noted
- Electronic copy (cd) is not a complete, identical copy of the paper copy submitted and/or is not compiled as one document

Name and Title of Person Completing Worksheet

Signature

Date

TABLE



TABLE 2

SUMMARY OF SUBSURFACE SOIL/FILL SAMPLE ANALYTICAL RESULTS
LTD. PHASE II ENVIRONMENTAL INVESTIGATION REPORT
204 WEST UTICA STREET SITE
BUFFALO, NEW YORK

PARAMETER ¹	Unrestricted Use SCOs ²	Restricted Residential Use SCOs ²	Commercial Use SCOs ²	Industrial Use SCOs ²	Sample Location (Depth (ft))								
					SB-1 (0.33-0.83)	SB-4 (1-2)	SB-5 (10-12)	SB-6 (6-8)	SB-7 (0.5-2)	SB-7 (9-11)	SB-8 (11-12)	SB-10 (0.25-1)	SB-11 (0.25-1)
					1/24/2018								
Volatile Organic Compounds (VOCs) - mg/Kg ³													
1,2,4-Trimethylbenzene	3.6	52	190	380	--	--	31	5.4	ND	12	ND	--	--
1,3,5-Trimethylbenzene	8.4	52	190	380	--	--	10	1.5	ND	2	ND	--	--
Cyclohexane	--	--	--	--	--	--	1.7	0.72 J	ND	1.5	ND	--	--
Ethylbenzene	1	41	390	780	--	--	1.8	ND	ND	0.52 J	ND	--	--
Isopropylbenzene (Cumene)	--	--	--	--	--	--	1.2	0.44 J	ND	0.68 J	ND	--	--
Methylcyclohexane	--	--	--	--	--	--	5.9	3.7	ND	14	ND	--	--
Methylene chloride	0.05	100	500	1000	--	--	0.19 J, B	0.48 J, B	ND	0.62 J, B	0.06 J, B	--	--
n-Butylbenzene	12	100	500	1000	--	--	4.8	2.2	ND	2.9	ND	--	--
n-Propylbenzene	3.9	100	500	1000	ND	--	3.8	0.64 J	ND	1.5	ND	--	--
p-Isopropyltoluene	--	--	--	--	--	--	2	0.52 J	ND	0.9 J	ND	--	--
sec-Butylbenzene	11	100	500	1000	--	--	1.5	0.93 J	ND	2 J	ND	--	--
tert-Butylbenzene	5.9	100	500	1000	--	--	0.19 J	ND	ND	ND	ND	--	--
Toluene	0.7	100	500	1000	--	--	0.26 J	ND	ND	ND	ND	--	--
Total Xylenes	0.26	100	500	1000	--	--	11	1.7 J	2 J	2 J	ND	--	--
Polycyclic Aromatic Hydrocarbons (PAHs) - mg/Kg ³													
Acenaphthene	20	100	500	1000	ND	ND	--	--	ND	--	--	0.49 J	ND
Acenaphthylene	100	100	500	1000	ND	ND	--	--	1.8 J	--	--	0.28 J	ND
Anthracene	100	100	500	1000	ND	ND	--	--	ND	--	--	0.95 J	ND
Benzo(a)anthracene	1	1	5.6	11	ND	0.2 J	--	--	5.3	--	--	2.4	1.4 J
Benzo(a)pyrene	1	1	1	1.1	ND	0.27 J	--	--	8.2	--	--	2.3	1.4 J
Benzo(b)fluoranthene	1	1	5.6	11	ND	0.39 J	--	--	11	--	--	2.6	1.6 J
Benzo(ghi)perylene	100	100	500	1000	0.25 J	0.28 J	--	--	6.7	--	--	1.7 J	1 J
Benzo(k)fluoranthene	0.8	3.9	56	110	ND	ND	--	--	5.5	--	--	1.3 J	0.7 J
Chrysene	1	3.9	56	110	ND	ND	--	--	6.7	--	--	2.2	1.7 J
Dibenzo(a,h)anthracene	0.33	0.33	0.56	1.1	ND	ND	--	--	1.2 J	--	--	0.44 J	0.36 J
Fluoranthene	100	100	500	1000	ND	0.27 J	--	--	8.5	--	--	5.1	2.9
Fluorene	30	100	500	1000	ND	ND	--	--	1.1 J	--	--	0.49 J	ND
Indeno(1,2,3-cd)pyrene	0.5	0.5	5.6	11	0.3 J	0.29 J	--	--	6.6	--	--	1.6 J	0.94 J
Naphthalene	12	100	500	1000	ND	ND	--	--	0.61 J	--	--	ND	ND
Phenanthrene	100	100	500	1000	ND	ND	--	--	4.7	--	--	3.8	1.8 J
Pyrene	100	100	500	1000	ND	0.23 J	--	--	8.5	--	--	4.1	2.5
Metals - mg/Kg													
Arsenic	13	16	16	16	3	5.1	--	--	13	--	--	--	5
Barium	350	400	400	10000	138	106	--	--	105	--	--	--	218
Cadmium	2.5	4.3	9.3	60	ND	0.31	--	--	1.3	--	--	--	0.65
Chromium	30	180	1500	6800	5.1	12.2	--	--	22.1	--	--	--	34.8
Lead	63	400	1000	3900	29.6	213	--	--	391	--	--	--	438
Mercury	0.18	0.81	2.8	5.7	ND	0.68	--	--	0.59	--	--	--	0.2

Notes:

- Only those parameters detected at a minimum of one sample location are presented in this table; other compounds were reported as non-detect.
- Values per 6NYCRR Part 375 Soil Cleanup Objectives (SCOs).
- Sample results were reported by the laboratory in ug/kg and converted to mg/kg for comparisons to SCOs.

Definitions:

ND = Parameter not detected above laboratory detection limit.

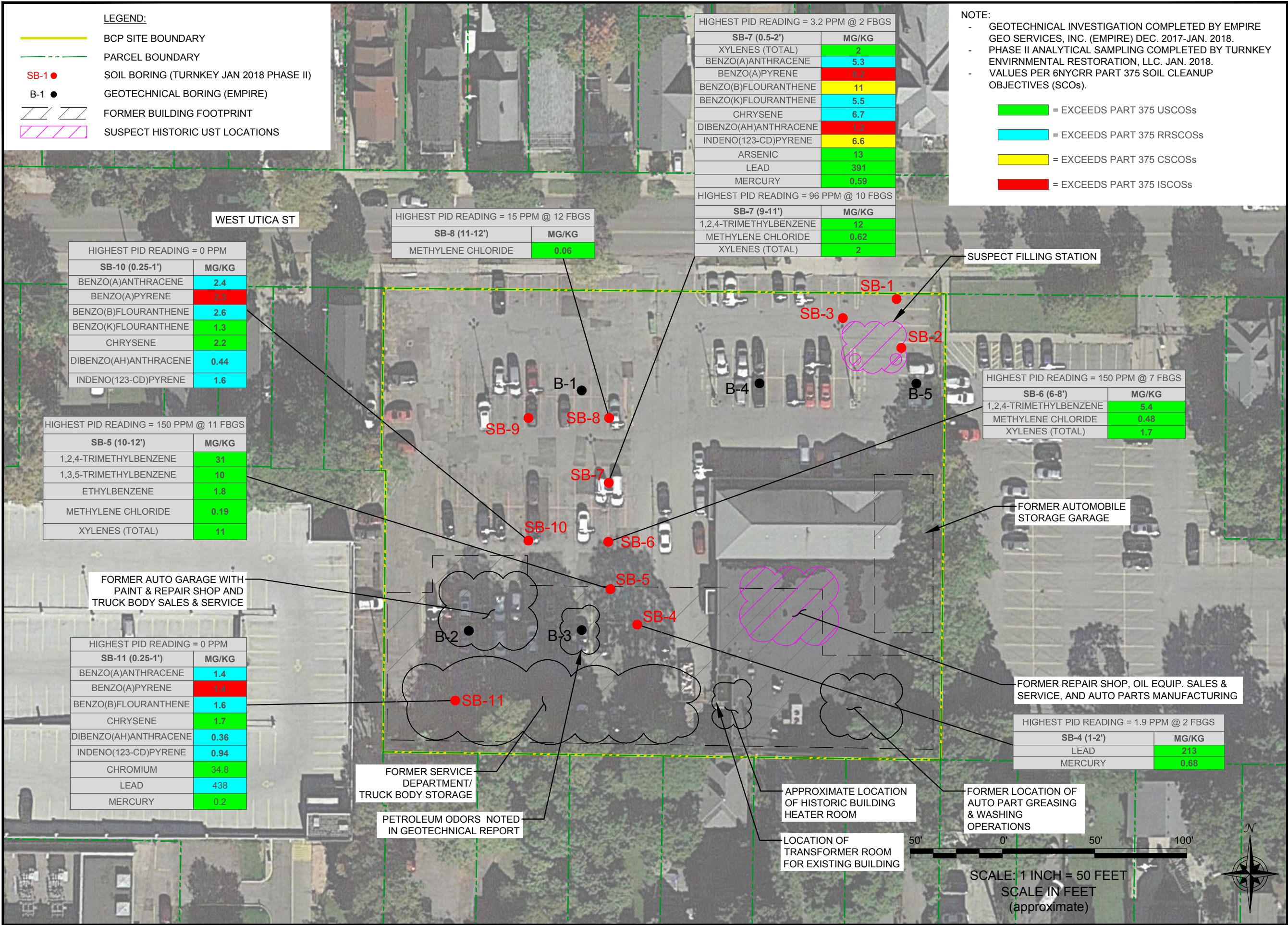
-- = No value available for the parameter; Parameter not analysed for.

J = Estimated value; result is less than the sample quantitation limit but greater than zero.

B = Compound was found in the blank and sample.

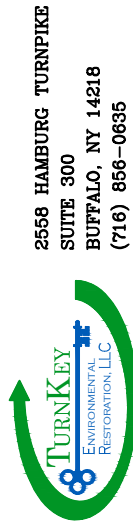
Bold	= Result exceeds Unrestricted Use SCOs.
Bold	= Result exceeds Restricted Residential Use SCOs.
Bold	= Result exceeds Commercial Use SCOs.
Bold	= Result exceeds Industrial use SCO's.

FIGURE



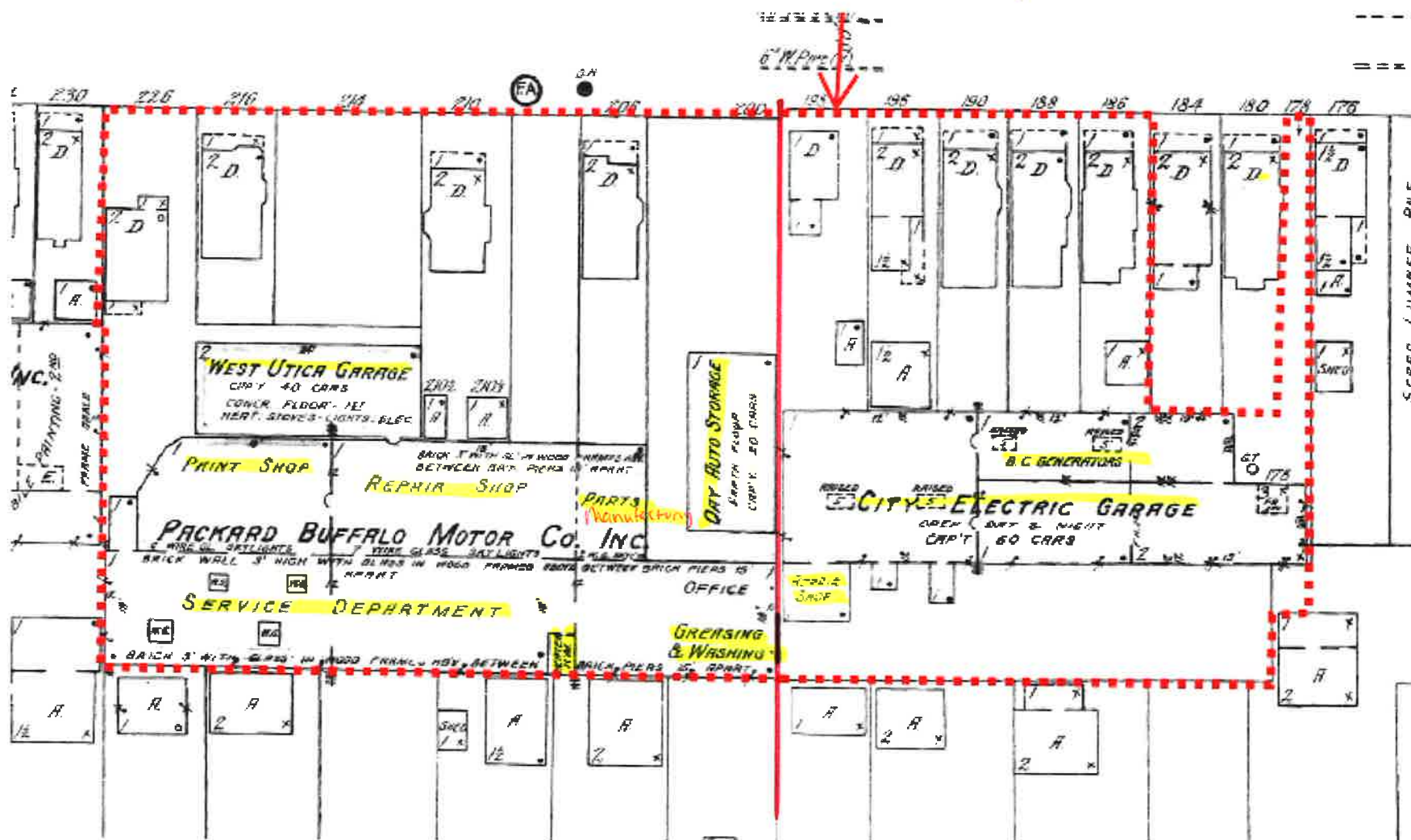
INVESTIGATION LOCATIONS & AREAS OF CONCERN

BROWNFIELD CLEANUP PROGRAM APPLICATION
204 WEST UTICA STREET SITE
BUFFALO, NEW YORK
PREPARED FOR
ELMWOOD CROSSING, LLC



JOB NO.: T0136-018-003

FIGURE 7



New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

The information to be provided on this work sheet is intended to guide discussions in the pre-application meeting and assist in preparing a complete Brownfield Cleanup Program (BCP) application form. This information will also be useful in identifying potential eligibility issues and in defining which portions of the property may be eligible for acceptance in the BCP. Use of this work sheet is not mandatory, but is recommended to help ensure submittal of a complete application, and that potential eligibility issues are brought to light early in the application review process.

Applicant Name(s) (to appear on page 1 of BCP application):

Elmwood Crossing, LLC

Site Name (to appear on page 2 of BCP application):

441 Elmwood Avenue Site

Provide the following information for each parcel which is proposed to be included in the BCP. Use one copy of this form for each separate parcel. Attach additional sheets if needed:

1. Tax ID(s) (Section/Block/Lot): **See Attachment 1**

Is the site a full tax parcel? (Y/N) N

2. What is the size of the parcel ? (indicate whether in acres or square feet) 0.24 acres

If applicable, what is the linear distance of water frontage? NA feet

Is any portion of the property considered lands under water? No

3. What portion of the parcel is known or suspected to have been impacted by contamination ?
(indicate whether in acres or square feet) 0.24 acres

Phase I complete (Y/N) Y Phase II complete (Y/N) Y

4. Describe the current use of the parcel (e.g., open space, vacant lot, buildings abandoned or in-use, industrial, commercial, residential):

The Site is currently a vacant parking lot

5. Do you currently own the property? Yes

How long have you owned the property? 2-3 months

If not:

Will you have the ability to place an environmental easement, if necessary? Y

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

You will need to submit proof of access during the BCP project with the application

6. Describe past uses (e.g., undeveloped, residential, dry cleaner, auto repair):

At least two (2) separate automobile service and gasoline filling station(s).

One NYSDEC PBS record is related to this Site - 9-600827

7. List known or suspected source(s) of contamination (e.g. leaking underground storage tank, spill of industrial waste, floor drain, septic system, landfill, storage of pesticides or hazardous substances, former manufactured gas plant, buried incinerator ash):

- Spill No. 1708669 related to discovery of on-Site petroleum impacts (Dec 2017)
- Elevated petroleum related VOCs in soil during Ltd. Phase II
- Many historic USTs, including gasoline, fuel oil, waste oil, at least two (2) separate pump islands, and potential for hydraulic lifts.

8. Type of contamination (check all which apply):

- ☒ volatile organic compounds related to petroleum (BTEX);
- ☐ volatile organic contaminants/chlorinated solvents;
- ☐ polycyclic aromatic hydrocarbons;
- ☐ PCBs;
- ☐ pesticides;
- ☐ toxic metals - specify: _____;
- ☐ other - specify: _____

9. Impacted or potentially impacted media (check all that apply): ☒ soil; ☐ sediment;

☐ surface water; ☒ groundwater; ☐ private water supply; ☐ public water supply;

☐ soil gas; ☐ indoor air; ☐

other - specify: _____

10. Provide DEC Spill Number(s), if applicable:

Spill No. 1708669 - open

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

11. Has the site ever been subject to a Consent Order or other enforcement action (Y/N)^N____
If yes, provide details:

12. Have environmental quality standards/guidance values been exceeded ? X Yes ____ No
____ Unknown. If yes, provide the following information (add additional lines/sheets, if needed):

Sample Matrix	Sample Date	Parameter Concentration	Standard or Guidance Value ¹	Data Sources (e.g. Phase II report, sampling by applicant, other)
See	Attached	Table 1	for	Soil/Fill Sample Summary
See	Attached	Figure 7	for	RECs and Sample Locations

¹Soil data should be compared to the Soil Cleanup Objective (SCO) for the reasonably anticipated land use of the site

13. Is the project entering the BCP at the Investigation X____ or Remediation _____ phase?

Is an Interim Remedial Measure (IRM) planned? Yes_____

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

14. Can the proposed environmental consultant or consultant team provide professional engineering services in compliance with Article 145 of New York State Education Law? Both an individual and the firm must be authorized to provide engineering services in New York State, and may only certify work that was done by them or by those under their direct supervision. Yes. Benchmark Environmental Engineering & Science, PLLC

15. Describe the nature and scope of the proposed re-development project or anticipated future use of the site after remediation. Include the types of uses (e.g., residential, office, retail, industrial, parking, open space, etc.).

The Site is proposed to be redeveloped as a mixed-use commercial and residential development with on Site parking.

16. Is the anticipated future use consistent with current zoning, or is a zoning change anticipated?

The planned reuse is consistent with the current zoning as N-2C of the City of Buffalo Green Code. N-2C is identified as Neighborhood Center with mixed use commercial and residential at a neighborhood scale.

17. Are there any other facts or circumstances that may affect: 1) the applicant's status as a volunteer or participant; or 2) the site's eligibility?

No

Applicant meets the Volunteer criteria

Site contamination exceeds the planned reuse - Restricted Residential Use SCOs

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

18. What appropriate care have you exercised with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste?

NA - No known hazardous waste at this time. Spill was called in for the Site based on drilling completed on behalf of Elmwood Crossing.

Elmwood Crossing acquired the Site in November 2017

19. For Projects Located in New York City:

Will you be seeking a determination of the eligibility of tangible property tax credits (Y/N)

If Yes, by which gateway?

Affordable Housing _____
At least 50% of the area in an En-Zone _____
Underutilized* _____
Upside down _____

* Sites seeking eligibility under the underutilized category must contain appropriate documentation at application. All other gateways may be sought at any time prior to issuance of the CoC.

Please note the most common BCP application deficiencies:

- NYS Dept of State print out of entity information not included or does not match Requestor's name
- Requestor's relationship to property not indicated and/or proof of site access not provided
- Tax Map is not included and/or section, block and lot numbers are not provided or are illegible
- Site Map indicating proposed BCP boundaries is not clear or is not included
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- Environmental reports provided but preparation standard is missing
- Land Use Factor questions blank and/or no attachment provided for required written responses
- Signature page 6 is signed and dated incorrectly or not at all, or is a copy instead of original

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

- Contact List information is incomplete and/or no acknowledgment letter from document repository
- Previous owner and previous operator are not separately identified or relationship to requestor is not noted
- Electronic copy (cd) is not a complete, identical copy of the paper copy submitted and/or is not compiled as one document

Name and Title of Person Completing Worksheet

Signature

Date

ATTACHMENT 1

ATTACHMENT 1
Pre-BCP Application Worksheet
Question 1
441 Elmwood Avenue Site

The 0.24 acre 441 Elmwood Avenue Site is currently included within the larger 4.8 acre parcel, addressed at 219 Bryant Street, Buffalo, New York, with SBL 100.46-2-2.1.

Elmwood Crossing, LLC is currently in the process of reparceling the 441 Elmwood Avenue parcel into a separate tax parcel with Erie County for redevelopment purposes.

Once Erie County issues the new SBL and revised tax map for the Site, a copy will be provided to the Department.

TABLE



TABLE 1

SUMMARY OF SUBSURFACE SOIL/FILL SAMPLE ANALYTICAL RESULTS
LTD. PHASE II ENVIRONMENTAL INVESTIGATION
441 ELMWOOD AVENUE SITE
BUFFALO, NEW YORK

PARAMETER ¹	Unrestricted Use SCOs ²	Restricted Residential Use SCOs ²	Commercial Use SCOs ²	Industrial Use SCOs ²	Sample Location (Depth - ft)				
					SB-2 (10-12)	SB-4 (1-2)	SB-4 (10-12)	SB-5 (0.25-1.5)	SB-5 (6-8)
					1/23/2018				
Volatile Organic Compounds (VOCs) - mg/Kg ³									
1,2,4-Trimethylbenzene	3.6	52	190	380	660 DL	--	260	--	360
1,3,5-Trimethylbenzene	8.4	52	190	380	180	--	81	--	110
Cyclohexane	--	--	--	--	120	--	ND	--	ND
Ethylbenzene	1	41	390	780	190 F2	--	79	--	33
Isopropylbenzene (Cumene)	--	--	--	--	27	--	8.2	--	10
Methylcyclohexane	--	--	--	--	200 F2	--	44	--	15
Methylene chloride	0.05	100	500	1000	ND	--	4 J, B	--	2.2 J, B
n-Butylbenzene	12	100	500	1000	63	--	29	--	44
n-Propylbenzene	3.9	100	500	1000	110 F2	--	38	--	46
p-Isopropyltoluene	--	--	--	--	5.7 J, F1, F2	--	ND	--	ND
sec-Butylbenzene	11	100	500	1000	12	--	5 J	--	7.4
Toluene	0.7	100	500	1000	ND	--	30	--	ND
Trichloroethene	0.47	21	200	1000	13	--	3 J	--	ND
Total Xylenes	0.26	100	500	1000	280 F2	--	480	--	250
Semi-Volatile Organic Compounds (SVOCs) - mg/Kg ³									
Benzo(a)anthracene	1	1	5.6	11	--	ND	--	0.2 J	--
Benzo(b)fluoranthene	1	1	5.6	11	--	ND	--	0.31 J	--
Benzo(ghi)perylene	100	100	500	1000	--	0.032 J	--	0.33 J	--
Fluoranthene	100	100	500	1000	--	0.026 J	--	0.41 J	--
Indeno(1,2,3-cd)pyrene	0.5	0.5	5.6	11	--	0.037 J	--	0.37 J	--
Naphthalene	12	100	500	1000	--	0.53	--	0.82 J	--
Phenanthrene	100	100	500	1000	--	0.029 J	--	0.43 J	--
Pyrene	100	100	500	1000	--	ND	--	0.27 J	--
Metals - mg/Kg									
Arsenic	13	16	16	16	--	ND	--	3.2	--
Barium	350	400	400	10000	--	26	--	19.2	--
Cadmium	2.5	4.3	9.3	60	--	ND	--	0.24	--
Chromium	30	180	1500	6800	--	6.7	--	5	--
Lead	63	400	1000	3900	--	29.5	--	57.8	--
Mercury	0.18	0.81	2.8	5.7	--	ND	--	0.051	--

Notes:

- Only those parameters detected at a minimum of one sample location are presented in this table; other compounds were reported as non-detect.
- Values per NYSDEC Part 375 Restricted Soil Cleanup Objectives (SCOs).
- Sample results were reported by the laboratory in ug/kg and converted to mg/kg for comparisons to SCOs.

Definitions:

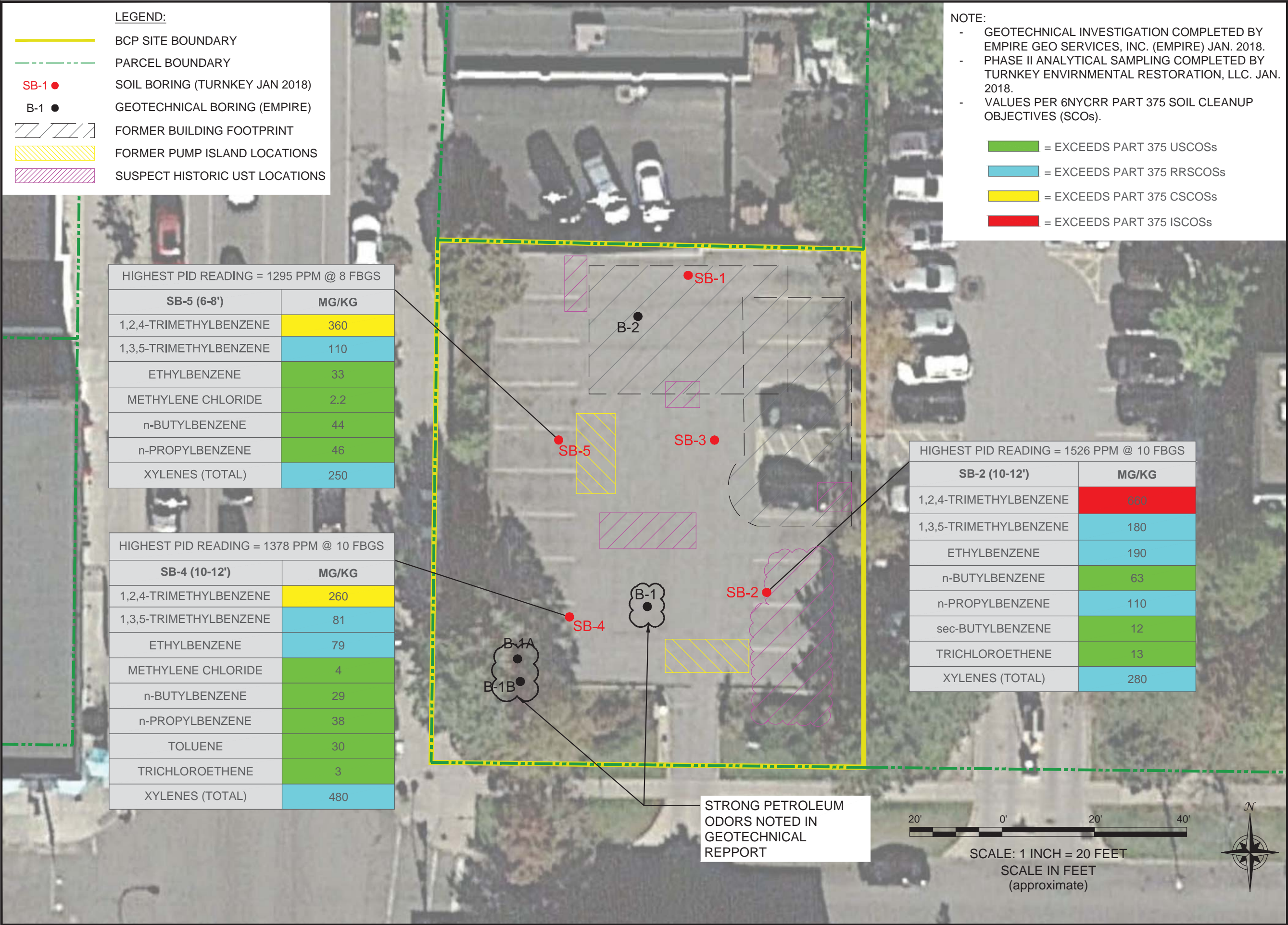
ND = Parameter not detected above laboratory detection limit.
 "--" = No value available for the parameter; Parameter not analysed for.
 J = Estimated value; result is less than the sample quantitation limit but greater than zero.
 F1 = MS and/or MSD recovery is outside acceptance limits
 F2 = MS/MSD RPD exceeds control limits
 B = Compound was found in the blank and sample.

Bold	= Result exceeds Unrestricted Use SCOs.
Bold	= Result exceeds Restricted Residential Use SCOs.
Bold	= Result exceeds Commercial Use SCOs.
Bold	= Result exceeds Industrial use SCOs.

FIGURE

F:\CAD\TurnKey\Elliott Development\188-204 Utica and 441 Elmwood\BCA\Figure 7 - Historic Investigation Locations and Areas of Concern REV CCB.dwg, 2/21/2018 4:20:09 PM, DWG To PDF.pc3

DATE: FEBRUARY 2018
DRAFTED BY: CMS



INVESTIGATION LOCATIONS & AREAS OF CONCERN

BROWNFIELD CLEANUP PROGRAM APPLICATION
441 ELMWOOD AVENUE SITE
BUFFALO, NEW YORK
PREPARED FOR
ELMWOOD CROSSING, LLC

2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635



JOB NO.: T0136-018-001

FIGURE 7

DISCLAIMER: PROPERTY OF TURNKEY ENVIRONMENTAL RESTORATION, LLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF TURNKEY ENVIRONMENTAL RESTORATION, LLC.

New York State Department of Environmental Conservation

Division of Environmental Remediation, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 Fax: (518) 402-9020

Website: www.dec.ny.gov

Certified Mail, Return Receipt Requested

EC188, LLC

William Paladino

295 Main Street, Suite 210

Buffalo, NY 14203

OCT 03 2018

Re: 188 West Utica Street
Tax Map ID No.: 100.46-1-13.1
Property County: Erie
Site No.: C915335

Dear Applicant:

Your application for the above-referenced Brownfield Cleanup Program ("BCP") project has been reviewed by the New York State Department of Environmental Conservation ("Department"). I am pleased to inform you that your request is accepted. The acceptance is based upon your participation as follows:

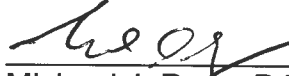
EC188, LLC is a Volunteer as defined in ECL 27-1405(1)(b). Tangible Property Tax Credit Status is described in Section II of the attached Brownfield Cleanup Agreement (BCA).

Based upon the facts and information in the application, information contained in the Department's records, and a timely return of the signed BCAs, the Department is prepared to execute a BCA for the above-described property. Enclosed are three original proposed BCAs. Please have an authorized representative sign all three originals where indicated and return them to my attention at 625 Broadway, Albany, New York, along with proof that the party executing the BCA is authorized to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. The BCA shall not be effective until it is fully executed by the parties. A reassessment of eligibility may result in a denial of the application if there are any changes to material facts and information before the BCA is fully executed. **Please note, if the BCA is not signed and returned to the Department within 60 days, the Department will consider the Application withdrawn and the offer to enter the BCP will be deemed rescinded.**

The Department looks forward to working with you on this project. The Department's project manager will assist you in completing your project. You can arrange a meeting to discuss the program's requirements and work plan. The work plan will determine the scope of work to be conducted and completed. You may contact the

Department's project team as set forth in Paragraph IV of the attached draft BCA to discuss the next steps.

Sincerely,



Michael J. Ryan, P.E., Director
Division of Environmental Remediation

Enclosures:

Department's Copies:

cc: George Heitzman, P.E.
Chad Staniszewski, P.E.
Jennifer Andaloro, Esq.
Kelly Lewandowski, P.E.
Damianos Skaros, P.E.
Jennifer Dougherty, Esq.

Applicant's Copies:

cc: William Paladino (bpaladino@ellicottdevelopment.com)
Craig A. Slater (cslater@cslaterlaw.com)
Michael Lesakowski (mlesakowski@benchmarkturnkey.com)